

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08CV452-MU

MARIANO OSPINA,

Plaintiff,

vs.

INDY MAC BANK,

Defendant.

ORDER

THIS MATTER is before the Court upon Plaintiff's "Motion to Leave on Appeal," filed December 1, 2008.

On September 30, 2008, Plaintiff filed a civil Complaint with this Court. On October 7, 2008, this Court dismissed Plaintiff's Complaint. On December 1, 2008, Plaintiff appealed his case to the United States Court of Appeals for the Fourth Circuit where it is still pending.

Federal law requires that a Plaintiff in a civil action pay a filing fee in the amount of \$350.00, plus service fees and other costs. Plaintiff did not pay the filing fee associated with a civil action. Rather, he filed an Application to Proceed In Forma Pauperis. Although Plaintiff application alleged complete poverty, and this Court might not otherwise grant it, for the purpose of allowing this case to proceed, this Court will grant the application, nunc pro tunc.

IT IS, THEREFORE, ORDERED Plaintiff's Application to Proceed In Forma Pauperis is **GRANTED**.
Signed: January 15, 2009



Graham C. Mullen
United States District Judge

